

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
AMENDED REGULAR MEETING AGENDA**

JUNE 20, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
JUNE 6, 2007 REGULAR MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I

PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS FROM THE PUBLIC REGARDING A REQUEST BY TOYOTA OF BUTTE FOR A LOCAL OPTION – TAX ABATEMENT AS DESCRIBED BY MONTANA CODE ANNOTATED (MCA) 15-24-1402, NEW OR EXPANDING INDUSTRY – ASSESSMENT NOTIFICATION. (Communication No. 07-373 was placed on file 6/13/07) **Proof of publication**

SECTION I-A

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING AN AMENDMENT TO THE FY 06-07 BUTTE-SILVER BOW BUDGET FOR UNANTICIPATED REVENUES. (Communication No. 07-388 being held in Committee of the Whole) **Proof of publication**

SECTION II

**PRESENTATION
COMMUNICATION NO. 07-433**

Paul Babb, Chief Executive, requesting time on the 6/20/07 agenda to give an update on the Corette Swimming Pool.

SECTION III

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 07-409 Dave Silk, Race Director, requesting street closures and use of Emma Park 8/12/07 from 6AM to Noon for An Ri' Ra' Run/Walk Through Uptown Butte. **Recommendation: hold in Committee Of the Whole while going through the process.**
- 2. 07-410 J. R. Richardson, Business Manager, Butte Public Schools, regarding installation of pole banners on High School Campus parking lots and streets entering the High School Campus. **Recommendation: noted and placed on file.**
- 3. 07-411 Paul Babb, Chief Executive, requesting approval of appointments and reappointments to the Historic Preservation Commission. **Recommendation: concur and place on file.**
- 4. 07-412 Karen Byrnes, Director Community Development Department, requesting public hearing for 7/11/07 regarding Developer's Packet for property located at first block of East Copper Street. **Recommendation: schedule public hearing for 7/11 and hold in Committee of the Whole.**
- 5. 07-413 John VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 6. 07-414 Dan Dennehy, Health Officer, regarding low bidders for soil abatement activities for various addresses. **Recommendation: note and place on file.**
- 7. 07-415 John P. Walsh, Sheriff, requesting public hearing for 6/27/07 to receive comment on application and allocation of FY 07-08 Justice Assistance Grant. **Recommendation: schedule public hearing for 6/27/07 and hold in Committee of the Whole.**
- 8. 07-416 Jim Griffin, President Board of Directors, requesting right-of-way encroachment approval for the Mai Wah Museum, 17 W. Mercury. **Recommendation: approve permit and place on file.**

9. 07-418 Karen Byrnes, Director Community Development Department, requesting public hearing 7/25/07 to hear public testimony regarding Developer's Packet for 160 and 622 W. Granite. **Recommendation: schedule Public Hearing and hold in Committee of the Whole**
10. 07-419 Jon C. Sesso, Planning Director, requesting authorization for Chief Executive to sign contract with Walter H. Hinick and Associates to perform oversight services regarding Butte Welcome Monuments Project. **Recommendation: concur and place on file.**
11. 07-420 Jon C. Sesso, Planning Director, requesting bid opening 7/2/07 for Excelsior Street Reclamation Project and authorization for Chief Executive to sign contract with accepted contractor. **Recommendation: concur and schedule bid opening for 7/2 and hold in Committee of the Whole.**
12. 07-421 Mary M. McMahon, Clerk and Recorder, requesting authorization for Chief Executive to enter into contract with Election Systems and Software for purchase of eight precinct counters. **Recommendation: concur and place on file.**
13. 07-422 Russ Connole, Economic Development Director, requesting approval of Lost Dolphin enterprises, LLP as the successful respondent to RFQ Phase II SeaCast Facility at TIFID No. 2. **Recommendation: concur and place on file.**
14. 07-423 Russ Connole, Economic Development Director, requesting approval to file a certificate of survey within the TIFID No. 2 District. **Recommendation: concur and place on file.**
15. 07-424 Russ Connole, Economic Development Director, requesting authorization for Chief Executive to enter into contract with Miller and Company for professional services. **Recommendation: concur and place on file.**
16. 07-425 Ellen Crain, Archives Director, requesting permission to enter into personal services contract with Judy K. Strand. **Recommendation: concur and place on file.**
17. 07-426 Richard M. Hotaling, Field Manager BLM, requesting time on 6/27/07 agenda to make a presentation to share information on draft on Resource Management Plan and Environmental Impact Statement. **Recommendation: schedule presentation and hold in Committee of the Whole.**

18. 07-427 Brian Staack, General Manager Staack's Motorsports, requesting waiver of license fee to conduct a non-profit raffle for the benefit of the Butte Lions Club. **Recommendation: concur and place on file.**
19. 07-428 Shirley Groff, Moderator First Baptist Church, regarding the sale of beer and wine at the Covelite Theatre. **Recommendation: refer to the Judiciary Committee and hold pending ordinance change request.**
20. 07-429 Brian McGregor, requesting permission to close Mercury Street from Main to the alley 6/30/07 for the annual "Street Dance Celebration". **Recommendation: hold in Committee of the Whole while going through the process,**
21. 07-430 Dan Dennehy, Health Officer, requesting authorization for Chief Executive to sign five contracts between Butte-Silver Bow Health Department and private entities. **Recommendation: concur and place on file.**
22. 07-431 Mary M. McMahon, Clerk and Recorder, Election Administrator, requesting authorization for Chief Executive to sign contract extension for Automarks for Handicapped Voters. **Recommendation: concur and place on file.**
23. 07-431 Mary M. McMahon, Clerk and Recorder, Election Administrator, requesting authorization for Chief Executive to sign maintenance agreement with Kodak for Microfilm reader. **Recommendation: concur and place on file.**
24. 07-434 Paul Babb, Chief Executive, requesting council's concurrence in the reappointments to the Planning Board. **Recommendation: concur and place on file.**
25. 07-435 Jeff Amerman, Finance and Budget Director, regarding notification to the Council that the \$543,715.47 loan amount from the URA to BSB will be written off this fiscal year. **Recommendation: noted and place on file.**
26. 07-436 Jeff Amerman, Finance and Budget Director, requesting council authorize Chief Executive to sign agreement with Western Montana Mental Health Center. **Recommendation: concur and place on file.**

27. 07-437 Gary Keeler, Transit Director, requesting authorization for Chief Executive to execute agreements between BSB and the State of Montana for the purpose of receiving \$550,000 in Sec 531l Funds. **Recommendation: concur and place on file.**
28. 07-438 Thomas M. Malloy, Reclamation Manager, Planning Department, requesting authorization for release of claims agreements with MERDI. **Recommendation: concur and place on file.**
29. 07-439 Lori Casey, Senior Planner, Planning Board, requesting Council approve the Davis Minor Subdivision Summary review and authorize the Chief Executive to sign the Final Plat Contingent on 2 conditions being met. **Recommendation: concur and place on file.**
30. 07-440 Stephen Hess, Senior Planner, Planning Board, requesting Council conditionally approve the Preliminary Plat of Fleecer View, Phase I Major Subdivision. **Recommendation: concur and place on file.**
31. 07-441 Cindy McIlveen, BSB Planning Department, requesting concurrence to authorize the submission of two project proposals to the DNRC for the 2007 Renewal Grant Program and 2007 Reclamation and Development Grants Program. **Recommendation: concur and place on file.**
32. 07-442 John VanDaveer, Public Works Director, requesting time on the 6/27/07 agenda for an Animal Services Department Presentation. **Recommendation: Schedule Presentation for 6/27/07 and hole in Committee of the Whole**
33. 07-443 John Walsh, Sheriff and Dave McPherson 9-1-1 Coordinator, requesting authorization for Chief Executive to sign Memorandum of Understanding between the Department of Military Affairs Montana Disaster Emergency Services Division and I-15/90 Interoperable Communications Consortium. **Recommendation: concur and place on file.**
34. 07-444 Mary M. McMahon, Clerk and Recorder – Election Administrator, regarding 2007-2008 budget consideration request. **Recommendation: refer to Finance and Budget.**
35. 07-445 Robert A. Macioroski, Director BSB Land Records Office, requesting authorization to issue Developer's Packet. **Recommendation: request the office of Community**

Development to prepare and issue Developers Packet and place on file

36. 07-446 Mary Alexander, Public Works Director, requesting Council's approval of addendum to two contracts for additional costs for asbestos abatement within the Courthouse. **Recommendation: concur and place on file.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-417 Linda Quakenbush, Helsinki Yacht Club, requesting street closures barricades 6/23/ a 6/24 for Helsinki Yacht Club Car Show.

**SECTION V ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

**1. COUNCIL BILL 07-10
ORDINANCE NO. 07.10**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (S-SB MC) ENTITLED "LAW ENFORCEMENT COMMISSION" AND AMENDING SECTIONS 2.24.010, 2.24.020, 2.24.050, 2.24.060, 2.24.070, 2.24.080; 2.24.090, 2.24.100 AND 2.24.110, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 2.24.120, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-44

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE DAVIS MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

3. COUNCIL RESOLUTION NO. 07-45

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE FLEECER VIEW MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

AMENDED PAGES

SECTION V-A

**ORDINANCES AND RESOLUTIONS
FOR FINAL PASSAGE**

**1. COUNCIL BILL NO. 07-7
ORDINANCE NO. 07-7**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LAW ENFORCEMENT DEPARTMENT"; AMENDING 2.20.085, BSB MC ENTITLED "FEES OF SHERIFF"; ADDING A BAIL BOND FEE CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH AN INCREASE INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-38

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA HISTORIC PRESERVATION OFFICE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-39

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING RESERVE FUNDS FROM BUTTE-SILVER BOW GENERAL FUND RESERVES TO THE ROAD FUND IN THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT FOR DEMOLITION OF THE OLD IMMACULATE CONCEPTION SCHOOL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-40

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF TE HOMESTAKE MEADOWS PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW,

STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 07-41

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE SAWMILL MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 07-42

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE WOODARDS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. COUNCIL RESOLUTION NO. 07-43

A RESOLUTION TO DESIGNATE A SINGLE POINT OF CONTACT TO SERVE AS THE PRINCIPLE COORDINATOR FOR THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. COUNCIL BILL NO. 07-8 ORDINANCE NO. 07-8

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.53 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED: BUTTE-SILVER BOW CEMETERY"; PROVIDING FOR THE CITY AND COUNTY OF BUTTE-SILVER BOW TO OPERATE AND MANAGE THE SUNSET SILVER BOW CEMETERY PURSUANT TO SECTION 7-35-2201, MCA 2005; PROVIDING FOR THE SUNSET SILVER BOW CEMETERY TO BE RENAMED THE BUTTE-SILVER BOW CEMETERY; PROVIDING FOR THE BUTTE-SILVER BOW CEMETERY TO BE OPERATED UNDER THE PUBLIC WORKS DEPARTMENT AND SETTING FORTH THE DUTIES AND FUNCTIONS FOR THE OPERATION OF THE CEMETERY; DECLARING THAT AN EMERGENCY CONDITION EXISTS AND FINDING THE NECESSARY FACTS FOR SUCH EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. 07-9 ORDINANCE NO. 07-9

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BS-SB MC) ENTITLED "LAW ENFORCEMENT COMMISSION" AND AMENDING SECTIONS 2.24.010, 2.24.020, 2.24.050, 2.24.060, 2.24.070, 2.24.080; 2.24.090, 2.24.100 AND 2.24.110, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 2.24.120, B-SB MC ; DECLARING THAT AN EMERGENCY CONDITION EXISTS AND FINDING THE NECESSARY FACTS FOR SUCH EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-46

A RESOLUTION CREATING A NEW FUND TO BE ENTITLED "BUTTE-SILVER BOW CITY-COUNTY ECONOMIC DEVELOPMENT FUND" FROM MONIES REMAINING IN THE FORMER HARD-ROCK MINE TRUST FUND FOLLOWING THE CESSATION OF MINING ACTIVITIES ON JULY 1, 200 AND PRIOR TO THE RESUMPTION OF MINING ACTIVITIES BY MONTANA RESOURCES IN OCTOBER 2003 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.,

4. COUNCIL RESOLUTION NO. 07-47

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FOR ECONOMIC DEVELOPMENT ACTIVITIES FROM THE BUTTE-SILVER BOW ECONOMIC DEVELOPMENT FUND (FORMERLY THE HARD-ROCK FUND) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 07-48

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CLERK OF COURT FROM THE STATE OF MONTANA _____ TO BE UTILIZED FOR JURY COSTS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 07-49

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO DEPARTMENT OF PUBLIC WORKS ROAD FUND FROM THE BUTTE-SILVER BOW ECONOMIC DEVELOPMENT FUND (FORMERLY THE HARD-ROCK FUND) TO CONSTRUCT THE ACCESS ROAD TO THE THREE BEARS PROJECT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. COUNCIL RESOLUTION NO. 07-50

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW FIRE DEPARTMENT FROM THE MONTANA BOARD OF INVESTMENTS TO PURCHASE TWO PUMPER TRUCKS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. COUNCIL RESOLUTION NO. 07-51

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULAR SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, PARK AND RECREATION BUDGET FROM THE CENTRAL EQUIPMENT MAINTENANCE FUND TO PURCHASE FUEL TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

9. COUNCIL RESOLUTION NO. 07-52

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULAR SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE DEPARTMENT OF PUBLIC WORKS PARK AND RECREATION FUND FROM THE BUTTE-SILVER BOW ROAD FUND TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT

MAY 13, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT REGARDING PROPOSALS RECEIVED FOR KELLEY WAREHOUSE. (Communication No. 07-357 being held in Committee of the Whole. **Proof of publication.**

Chairman O'Leary said there was a problem with the publication of this public hearing and so it will be postponed for two weeks

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO HEAR AN APPLICATION FOR THE PRELIMINARY PLAT OF THE FLEECER VIEW – PHASE I MAJOR SUBDIVISION. (Communication No. 07-366 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

A power point presentation was presented by Steve Hess, Senior Planner and Jon Sesso, Director of the Planning Department. This phase is for seven lots.

Chairman O'Leary opened the public hearing and called for proponents:

Dave Gallick, 1124 Billings Avenue, Helena, Montana. He and Dale and Myles Carpenter are the proponents.

Bob Everly, Professional Engineer and Land Surveyor for this project.

There being no other proponents, Chairman O'Leary called for any opponents.

Diane Erickson, 116200 Starlight Road in Buxton. Spoke in favor of the roads to be built to county standards and taken over by the county for long-term maintenance.

There were no other opponents so the public hearing was closed.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF TO SOLICIT PUBLIC COMMENT CONCERNING AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE DISBURSEMENT OF FUNDS FROM THE HARD ROCK TRUST RESERVE. (Communication No. 07-382 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Director of Finance and Budget Department, said this is a year-end accounting issue. We should have done a disbursement out of that account in 2000 when the mine first suspended operations and there would have been 6.6 million dollars dispersed to a separate fund that then could be appropriated on an annual basis and monies could be taken from that. This is really what is going to make that happen. It will be the 6.6 million, less the amounts that have already been dispersed between ourselves and the school district. We will also be dispersing in actual cash 1.8 million to school district No. 1. We will then appropriate approximately 1 million dollars and will keep about 2.2 in a reserve until we get this 2/3 –1/2 issue settled between ourselves and the school district.

Chairman O’Leary opened the public hearing and called for any proponents. On the third and final call there being none, he called for opponents. Again there was no response and he closed the public hearing.

SECTION IV

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT CONCERNING AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE MONTANA BOARD OF INVESTMENTS INTERCAP LOAN FOR THE PURCHASE OF TWO PUMPER TRUCKS FOR FIRE SERVICES. (Communication No. 07-383 being held in Committee of the Whole) **Proof of publication was noted and placed on file**

Jeff Amerman, Director of Finance and Budget Department, said that by pre-paying for these two pumper trucks, we were able to save the county \$43,000.00. This is an accounting entry that appropriates the construction in progress for the two pumper trucks. The manufacturer has posted a performance bond to guarantee the delivery of these trucks.

Chairman O’Leary then opened the public hearing and called for any proponents. On the third and final call, he called for opponents. Again there was no response so he closed the public hearing.

SECTION V

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENT CONCERNING AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE HARD ROCK RESERVE LOAN FOR THE COMPLETION OF THREE BEARS ROAD. (Communication No. 07-384 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Director of Finance and Budget Department, stated this again is another accounting issue. We constructed the road and the monies will be paid back by Three Bears Alaska and by East Butte LLC over five years.

Chairman O'Leary opened the public hearing and called for any proponents. On the third and final call there being none he called for any proponents. Again there was no response so he called the public hearing closed.

SECTION VI

PRESENTATION COMMUNICATION NO. 07-397

David G. Gates, Vice President Northwestern Energy, requesting time on the 6/13/07 agenda to make a presentation on proposed Mountain States Transmission Intertie Project.

David Gates, Vice President of the Wholesale Operations for Northwestern Energy, 20 Lime Kiln Road, said he was here to inform the council of a project that they are in the process of developing between Townsend and Twin Falls and Pocatello, Idaho. He introduced those with him this evening, Len Leveaux the Manager of Butte Division, Ted Williams, Director of Electric Transmission, Rick Walsh, Manager Environmental Permitting, Kevin Everett from Power Engineers. Ted Williams, 1845 Carolina Avenue spoke on the purpose of the line and the benefit of the line. Kevin Everett with Power Engineering out of Haley, Idaho, the consultant to Northwestern Energy on this project spoke to explain a little about the environmental process. They will spend the next 6-8 months coming up with very detailed studies of these routing corridors and doing impact studies of these corridors. They answered questions from the commissioners

Committee recommends that Communication No. 07-397 be placed on file.

SECTION VII**COMMUNICATION NO. 07-221**

Robert J. Whelan, Attorney at Law, requesting Developers' Packet for Lots 10 through 14 south of Eastside Athletic Club. *Committee recommends that Communication No. 07-221 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 07-259**

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. *Committee recommends that Communication No. 07-259 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 07-285**

Mark and Scott Thompson, SMT Holdings LLLC , requesting Hard Rock Mining Funds and time on 5/2/07 agenda to make a presentation on the Montana Freeport Center. *Committee recommends that Communication No. 07-285 be placed on file.*

SECTION X**COMMUNICATION NO. 07-299**

Herb Leuprecht, Envision Butte, requesting funding for Berkeley Pit Viewing Stand Project. *Committee recommends that Communication No. 07-299 be placed on file.*

SECTION XI**COMMUNICATION NO. 07-339**

Jeff Amerman, Director Finance and Budget Department, requesting time on the 6/6/07 agenda to conduct a public hearing for amending the budget for unanticipated revenue in Central Equipment Budget. *Committee recommends that Communication No. 07-339 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-340**

Jeff Amerman, Director Finance and Budget Department, requesting time on the 6/6/07 agenda to conduct a public hearing for amending the budget for unanticipated revenue in the General Funds Parks Budget. *Committee recommends that Communication No. 07-340 be placed on file.*

SECTION XIII**COMMUNICATION NO. 07-357**

Karen Byrnes, Director Community Development Department, requesting a public hearing be set 6/13/07 to solicit public comment regarding proposals

received for redevelopment of the Kelley Warehouse. *Committee recommends that Communication No. 07-357 be held in abeyance.*

SECTION XIV

COMMUNICATION NO. 07-366

Stephen Hess, Senior Planner, requesting a public hearing for June 13, 2007 to receive comments concerning the Preliminary Plat of the Fleecer View – Phase I Major Subdivision. *Committee recommends that Communication No. 07-366 be placed on file.*

SECTION XV

COMMUNICATION NO. 07-374

Dan Dennehy, Health Officer, requesting building inspection be conducted on the Health Department Building at 25 W. Front Street and asking to allocate \$75,000 annual rent to long-term maintenance program. *Committee recommends that Communication No. 07-374 be held in abeyance.*

SECTION XVI

COMMUNICATION NO. 07-382

Jeff Amerman, Director Finance and Budget Department, requesting public hearing 6/13/07 concerning amending budget for unanticipated revenue from the disbursement of funds from Hard Rock Trust Reserve. *Committee recommends - that Communication No. 07-382 be placed on file.*

SECTION XVII

COMMUNICATION NO. 07-383

Jeff Amerman, Director Finance and Budget Department, requesting public hearing 6/13/07 concerning amending budget for unanticipated revenue from the disbursement of funds from Montana Board of Investments Intercap Loan. *Committee recommends that Communication No. 07-383 be placed on file.*

SECTION XVIII

COMMUNICATION NO. 07-384

Jeff Amerman, Director Finance and Budget Department, requesting public hearing 6/13/07 concerning amending the budget for unanticipated revenue from the Hard Rock Reserve Loan for completion of Three Bears Road. *Committee recommends that Communication No. 07-384 be placed on file.*

SECTION XIX

COMMUNICATION NO. 07-388

Tim Clark, Personnel Director, regarding reclassifications of 22 employees within the various departments of the government. *Committee recommends that Communication No. 07-388 be held pending public hearing.*

SECTION XX**COMMUNICATION NO. 07-392**

Sean Johnson, Chairman Evel Knievel Days, requesting temporary street closure for Evel Knievel Days 2007 uptown district. *Committee recommends that Communication No. 07-392 be held while going through the process.*

SECTION XXI**COMMUNICATION NO. 07-393**

Robert L. White, President Big Butte Kiwanis, requesting permission to close uptown streets on 8/2/07 for Custom Car Show. *Committee recommends that Communication No. 07-393 be held while going through the process.*

SECTION XXII**COMMUNICATION NO. 09-407**

Mollie Kirk, Butte Celebrations, requesting approval of various activities for 4th of July Parade and related Freedom Fest Activities. *Committee recommends approval and place on file.*

SECTION XXIII**COMMUNICATION NO. 07-142**

Jeff Amerman, Finance and Budget Director, regarding request for \$174,712.00 loan payment to Butte Local Development Corporation. *Committee approves loan repayment as per schedule for two years. Request County Attorney draft a Memorandum of Understanding. Hold in abeyance pending BLDC approval.*

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-358 be approved and placed on file

SECTION VII

COMMUNICATION NO. 07-359

Robert A. Macioroski, Land Records Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-359 be approved and placed on file.*

SECTION VIII

COMMUNICATION NO. 07-362

Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-359 be approved and placed on file.*

SECTION IX

COMMUNICATION NO. 07-370

Marijo MacDonald, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-370 be approved and placed on file.

SECTION X

COMMUNICATION NO. 07-371

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-371 be approved and placed on file.

SECTION XI

COMMUNICATION NO. 07-375

Lori Maloney, Clerk of the Court, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-375 be approved and placed on file.*

SECTION XII

COMMUNICATION NO. 07-379

John P. Walsh, Sheriff, requesting approval of line item budget transfer.
Committee recommends that Communication No. 07-379 be approved and placed on file.

SECTION XIII

COMMUNICATION NO. 07-380

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends that Communication No.07-380 be approved and placed on file.

SECTION XIV**COMMUNICATION NO. 07-389**

Jeffrey L. Miller, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-389 be approved and placed on file.*

SECTION XV**COMMUNICATION NO. 07-390**

Jeff Amerman, Director Finance and Budget Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-390 be approved and placed on file.*

SECTION XVI**COMMUNICATION NO. 07-391**

Diane M. Giop, Public Library, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-391 be approved and placed on file.*

SECTION XVII**COMMUNICATION NO. 07-395**

John P. Walsh, Sheriff, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-395 be approved and placed on file.*

SECTION XVIII**COMMUNICATION NO. 07-396**

Diane Giop, Public Library, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-396 be approved and placed on file.*

SECTION XIX**COMMUNICATION NO., 07-398**

Russ Connoles, Economic Development Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-398 be approved and placed on file.*

SECTION XX**COMMUNICATION NO. 07-402**

Shelly Jones, Administrative Aide, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-402 be approved and placed on file.*

SECTION XXI**COMMUNICATION NO. 07-403**

Shelly Jones, Administrative Aide, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-403 be approved and placed on file.*

SECTION XXII**EXPENDITURE APPROVAL**

6/6/07	\$370,624.58
6/13/07	\$807,839.63

NOTE: Cindi Shaw recused herself from voting on Expenditure because Voucher #10384 tuition.

JUDICIARY COMMITTEE MEETING REPORT

MAY 23, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-673**

Mark and Shirley Rule, requesting proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829 Lot 599 on Moulton Reservoir Road. *Committee recommends that Communication No. 06-673 be held in abeyance for two weeks. Invite John Van Daveer and Jean Pentecost to our next meeting to discuss this issue.*

SECTION II **COMMUNICATION NO. 07-240**

J. R. Richardson, Business Manager, Butte Public Schools, requesting Council forgive property taxes on Parcel No. 1901770. ***Committee recommends that Communication No. 07-240 be placed on file, superceded by Communication No. 07-368.***

SECTION III

Silver Bow Fire Council Members, requesting credit for car and truck license plates for volunteer firefighters. *Committee recommends that Communication No. 07-353 be denied and placed on file.*

SECTION IV

COMMUNICATION NO. 07-368

J. R. Richardson, Business Manager, Butte Public Schools, requesting council forgive back taxes on Parcel No. 1901770 in the Butte Townsite. ***Committee recommends that Communication No. 07-368 be held in abeyance and refer to Rob Macioroski for report back on title deed transfers.***

SECTION V**COUNCIL BILL NO. 07-7
ORDINANCE NO. 07-7**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LAW ENFORCEMENT DEPARTMENT"; AMENDING 2.20.085, BSB MC ENTITLED "FEES OF SHERIFF"; ADDING A BAIL BOND FEE CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH AN INCREASE INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-7, Ordinance No. 07-7 be placed on final reading and passed.*

SECTION VI**COUNCIL RESOLUTION NO. 07-38**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA HISTORIC PRESERVATION OFFICE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution be placed on second reading and passed*

SECTION VII**COUNCIL RESOLUTION NO. 07-39**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING RESERVE FUNDS FROM BUTTE-SILVER BOW GENERAL FUND RESERVES TO THE ROAD FUND IN THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT FOR DEMOLITION OF THE OLD IMMACULATE CONCEPTION SCHOOL AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-39 be placed on second reading and passed.*

SECTION VIII**COUNCIL RESOLUTION NO. 07-40**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF TE HOMESTAKE MEADOWS PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS

OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-40 be placed on second reading and passed*

SECTION IX COUNCIL RESOLUTION NO. 07-41

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE SAWMILL MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-41 be placed on second reading and passed.*

SECTION X COUNCIL RESOLUTION NO. 07-42

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE WOODARDS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-42 be placed on second reading and passed.*

SECTION XI COUNCIL RESOLUTION NO. 07-43

A RESOLUTION TO DESIGNATE A SINGLE POINT OF CONTACT TO SERVE AS THE PRINCIPLE COORDINATOR FOR THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-43 be placed on second reading and passed.*

SECTION XII CLAIM APPROVAL

10406	Frank Shields	\$1,000.00	St. Opening Bond Refund
40521	Lockmer Plumbing, Heating	\$30.00	Sewer Taps Refund
10664	RDB's Properties LLC	3,143.70	Redeem Tax Assgs.

Committee recommends approval of the above claims

PUBLIC WORKS COMMITTEE MEETING REPORT

JUNE 13, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 06-661

Jon Sesso, Planning Director, requesting Council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661 be held in abeyance.*

SECTION II COMMUNICATION NO. 06-701

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand. *Committee recommends that Communication No. 06-701 be placed on file.*

SECTION III COMMUNICATION NO. 07-165

Cindi Shaw, Commissioner District 11, requesting for review of traffic concerns on E. Woolman Street. *Committee recommends that Communication No. 07-165 be held in abeyance.*

SECTION IV PETITION NO. 07-4

John Harrington, Building Official, requesting on behalf of Jane Hurlbert, to close and vacate Wynne Avenue adjacent to Lots 1 and 36 of Block 5 and Lots 18 and 19 of Block 4 of the Bellevue Addition. *Have had no response from the people requesting the closure. Will continue to hold two more weeks.*

SECTION V PETITION NO. 07-6

John Harrington, Building Official, requesting on behalf of Three Dog Holdings, Inc. to close and vacate a portion of Meadowlark Lane in SE ¼ of Section 32, T3N, R7W. *Committee recommends that a public hearing be scheduled for Petition No. 07-6*

SECTION VI

PETITION NO. 07-7

John Harrington, Building Official, requesting on behalf of Joe J. Shoemaker, to close and vacate a portion of alley adjacent to Blocks 5 and 12 in the Kemper Addition. *Committee recommends that a public hearing be scheduled for Petition No. 07-7.*

SECTION VII

COMMUNICATION NO. 07-352

Kevin Dennehy, Executive Director St. James Hospital, requesting permission to use Chester Steele Park for July 3rd, 2007 events. *Committee recommends that Mr. Dennehy be contacted to have him get the necessary signatures from the various service departments to get their approval*